

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DOE #1, an individual; JOHN DOE
#2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of Washington and
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendant.

No. C:09-cv-05456 BHS

DECLARATION OF MONA SMITH
IN SUPPORT OF MOTION TO
INTERVENE AND IN SUPPORT OF
WFST'S BRIEF

I, Mona Smith, declare:

1. I am an attorney licensed to practice in Washington, California and
Massachusetts. I have been practicing for 25 years. I have personal knowledge of the facts set
forth in this declaration and am competent to testify thereto.

2. I volunteered on behalf of Washington Families Standing Together ("WFST") to
observe the Secretary of State ("SOS") verify signatures on the petitions for Referendum 71, a
referendum brought by a group called Protect Marriage Washington ("PMW") seeking to place
Engrossed Second Substitute Senate Bill 5688 ("the Act") on the general election ballot.

DECLARATION OF MONA SMITH (NO. C:09-
CV-05456 BHS) – 1

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1 3. I am a member of WFST, and am the Board President of one of its member
2 organizations. WFST represents a coalition of more than one thousand organizations and
3 individuals dedicated to ensuring that Washington State's domestic partnership law remains in
4 effect.
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9 4. I served as one of the lead observers for WFST during the signature verification
10 process for Referendum 71 in Olympia, Washington. In this capacity, I supervised our team of
11 observers and collected reports and data from them. I was present as an observer and supervisor
12 on most days until August 18th, and again from August 27th-28th, from the beginning of the
13 process until and including today, typically from 8:30 a.m. until 4:30 p.m. I observed the initial
14 checkers, "master" checkers (who provide an additional level of review for rejected signatures),
15 and SOS supervisor while present during the signature verification process. As an observer, I
16 was instructed that I could witness the signature verification process and convey concerns to an
17 SOS supervisor, but could not talk to signature checkers.
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27 5. After sorting and organizing the petitions into volumes, the SOS began the
28 process of verifying the signatures on July 31, 2009. To verify a signature, a checker would use
29 his or her computer terminal to locate a voter in the statewide voter registration database and
30 accept or reject the petition signature based on applicable standards.
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35 6. Master checkers review the initial determination for each rejected signature. If a
36 master checker locates a voter in the voter registration database whose signature was originally
37 rejected, and determines that the signature on the petition matches the signature on the voter
38 registration record, the signature is rehabilitated and added to the count of accepted signatures.
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43 *See also*

44 <http://wei.secstate.wa.gov/osos/en/initiativesReferenda/Pages/R71FrequentlyAskedQuestions.aspx>.
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47 7. During the observation process, we observed checkers and master checkers count
48 what we observed to have been invalid signatures on many occasions. We collected these
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1 instances by noting the volume, line and page number of the signature at issue (we are not
2 allowed to record names and other identifying information).
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5 8. We asked the SOS to re-examine 222 signatures at one point in the verification
6 process. When those 222 signatures were re-examined, the SOS rejected 29 (13%) of them.
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9 9. We later asked the SOS to re-examine additional signatures we believed were
10 erroneously included in the count of valid signatures, but these requests were denied.
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15 **I declare under penalty of perjury under the laws of the State**
16 **of Washington that the foregoing is true and correct.**
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20 EXECUTED at Seattle, Washington, this 27th day of August, 2009.
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25 _____
26 MONA SMITH
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